

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
REAL PROPERTY LOCATED AT)
6385 BELLOMORE PARK LANE)
JOHNS CREEK, GEORGIA 30097,)
Defendant.)
Case No: 1:19-CV-
Judges

VERIFIED COMPLAINT IN REM

Comes now the plaintiff, United States of America, by and through its attorneys, J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, and Gretchen Mohr, Assistant United States Attorney, and brings this complaint and alleges as follows in accordance with Rule G(2) of the Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions:

NATURE OF THE ACTION

1. In this *in rem* civil action, the United States of America seeks forfeiture of the real property having a mailing address of 6385 Bellmoore Park Lane, Johns Creek, Georgia 30097 (hereinafter “defendant property”).
2. The United States of America seeks forfeiture of the defendant property pursuant to 18 U.S.C. § 981(a)(1)(C), which authorizes forfeiture of property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1343 and/or 1957.

THE DEFENDANT IN REM

3. The United States seeks forfeiture of the following defendant property, with all appurtenances, improvements, and attachments thereon, which is more fully identified and more particularly described below:

All that tract or parcel of land lying and being in Land Lot 417 of the 1st District, 1st Section, Fulton County, Georgia being Lot 241, The Palisades at Bellmoore Park - Phase II, as shown on plat recorded in Plat Book 380, pages 106-114, Fulton County, Georgia records, which said plat being incorporated herein by reference thereto.

For further reference see Limited Warranty Deed filed and recorded on June 2, 2017, in Deed Book 57578, Page 501, in the Clerk of Superior Court for Fulton County, Georgia, Instrument Number 2017-0195292.

4. The defendant property has not been seized but is within the jurisdiction of the Court pursuant to 28 U.S.C. § 1335(b)(1)(A). The United States does not request authority from the Court to seize the defendant property at this time. The United States will, as provided by 18 U.S.C. §§ 985(b)(2) and (c)(1):

- a. post notice of this action and a copy of the Complaint on the defendant property;
- b. serve notice of this action on the record owners of the defendant property, and any other person or entity who may claim an interest in the defendant property, along with a copy of this Complaint;
- c. execute a writ of entry for purposes of conducting an inspection and inventory of the defendant property; and
- d. file a notice of *lis pendens* in the county records where the defendant property is located.

JURISDICTION AND VENUE

5. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

6. This Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture of the defendant property occurred in this district.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A), because the acts or omissions giving rise to the forfeiture occurred in this district.

BASIS FOR FORFEITURE

8. The United States of America seeks forfeiture of the defendant property pursuant 18 U.S.C. § 981(a)(1)(C) for violations of 18 U.S.C. §§ 1343 and/or 1957.

9. Pursuant to 18 U.S.C. § 981(f), all right, title and interest in the defendant property became vested in the United States at the time of the acts giving rise to the forfeiture.

FACTS

10. As set forth in detail in the Affidavit of Special Agent, David Kukura, Federal Bureau of Investigation, the Government's investigation has determined that defendant property constitutes proceeds of an offense in violation of federal law including conspiracy to commit wire fraud and money laundering. Furthermore, your Affiant has probable cause to believe the defendant property constitutes proceeds traceable to violations of 18 U.S.C. § 1343 (Wire Fraud) and is subject to civil forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and constitutes proceeds traceable to violations of 18 U.S.C. § 1957 (Money Laundering) and is subject to civil forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C).

11. The defendant property is subject to forfeiture to the United States in accordance with 18 U.S.C. § 981(a)(1)(C).

CLAIM FOR RELIEF

12. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 11 above.

PRAYER FOR RELIEF

Wherefore, the United States of America prays:

1. Defendant property be condemned and forfeited to the United States of America in accordance with the provisions of law;
2. Notice of this action be given to all persons known or thought to have an interest in or right against the defendant property;
3. Plaintiff be awarded its costs in this action and for such other necessary and equitable relief as this Court deems proper.

Respectfully submitted,

J. DOUGLAS OVERBEY
United States Attorney

By: s/Gretchen Mohr
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VERIFICATION

I, David Kukura, Special Agent, Federal Bureau of Investigation, hereby verify and declare under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

That I have read the foregoing Verified Complaint *In Rem* and know the contents thereof, and that the matters contained in the Verified Complaint *In Rem* and in the accompanying Affidavit are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are from information gathered by law enforcement officers, as well as my investigation of this case with the Federal Bureau of Investigation.

I hereby verify and declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of February, 2019.



David Kukura
Special Agent
Federal Bureau of Investigation